A

BILL

[AS AMENDED]

For making more effectual Provision for the supplying of Cities and Market Towns in *Ireland* with Water.

Note.—*The Figures in the Margin denote the Number of the Folios in the written Copy.*

N.B. *The Clauses marked* (A.) *and* (B.) *were added by the Committee.*

1 WHEREAS an Act was passed in *Ireland* in the Twenty-ninth Year of the Reign of His present Majesty, intituled, "An Act for the better supplying the Inhabitants of certain Cities and Towns with Water;" Preamble. 29 Geo. III.

And whereas an Act was passed in *Ireland* in the Thirty-fourth Year of the Reign of His present Majesty, to explain and amend the said recited Act: 34 Geo. III.

And whereas the Provisions and Regulations in the hereinbefore recited Acts have been found insufficient, and it is necessary to make further Provisions for the better and more effectually supplying Cities and Market Towns in *Ireland* with Water; Provisions, &c. of former Acts, ineffectual: Other Provisions necessary.

May it therefore please Your MAJESTY,

That it may be Enacted; **And be it Enacted** by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

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Grand Juries to appoint, by Preſent ment. Commiſſioners.

ſame, That it ſhall and may be lawful for the Grand Jury of every County, County of a City, or County of a Town in *Ireland*, to appoint, by Preſentment, any Three Perſons to be Commiſſioners for the Purpoſe of ſupplying any City or Market Town in *Ireland* with Water, and alſo to lay out, order, and direct any Watercourſe, Cut, Drain, Ditch, Trench, Dam, Baſon, or Reſervoir, to be made in the moſt convenient Line for the Purpoſe of conveying Water to ſuch City or Town; and alſo to raiſe, either on the City or Town where ſuch City or Town is ſituated within a Manor on the Lands thereunto belonging, ſuch Sum or Sums of Money as they ſhall think neceſſary for the Completion thereof: Provided always, that the ſaid Preſentment ſhall deſcribe and aſcertain the Breadth and Number of Perches in Length of ſuch Watercourſe or other Work as aforeſaid, and alſo the Townland, and Places through which the ſame ſhall run, according to a Map and Eſtimate to be annexed to the Affidavit upon which the ſaid Preſentment ſhall be grounded: Provided alſo, that no Money ſhall be ſo preſented for making or repairing any ſuch Watercourſe or other Work as aforeſaid, unleſs an Affidavit ſhall be previouſly made by Two credible Perſons who can read and write, before any Juſtice of the Peace, who is hereby empowered to adminiſter the ſame in the following Form;

Commiſſioners to direct the Line of Watercourſes &c.

Money to be raiſed on the Barony, &c.

Preſentment to deſcribe the Meaſurement of Work to be done.

No Money to be preſented, unleſs an Affidavit is made of the Expence of the Work.

Oath.

"County of } "*A. B.* of
} "and *C. D.* of do ſwear
"That they have lately meaſured the intended Watercourſe
"[or, *other Work, as the Caſe may be*] from
"to between and all in the Barony
"of in the ſaid County, and that it will require
"the Sum of ſufficiently to repair and
"make the ſaid Watercourſe or other Work, at the Rate
"of by the Perch, which they verily believe
"is the leaſt the ſaid Watercourſe or other Work can be
"ſufficiently made or repaired for."

Clerk of the Crown to file Affidavit.

No Money to be paid until an Affidavit is made of the Completion of the Work.

Which Affidavit the Clerk of the Crown of ſuch County is hereby required to file, and keep amongſt the Records of ſuch County; and that no Money ſhall be paid on Account of any ſuch Parchment by the Treaſurer of any County until the Affidavit of One of the Commiſſioners appointed by the Grand Jury, ſworn before any Juſtice of the Peace for the ſaid County, in the following Form, ſhall be allowed by the Grand Jury, and by the Judges of Aſſize:

Oath.

"County of } "Whereas the Sum of
} "was preſented by the Grand Jury of the ſaid County
"of at in the Year
"to be expended in making or repairing Perches of
"Watercourſe [or, *other Work, as the Caſe may be*] from
" to between and
"being at the Rate of by the Perch: Now "I

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"I of One of the Commiſſioners
"appointed by the Grand Jury for the ſaid Work, do ſwear,
"That I have faithfully and honeſtly expended the Sum of
4 " in making or repairing Perches of
"the ſaid Watercourſe [or, *other Work, as the Caſe may be*]
"and that the ſaid Perches were effectually made
"or repaired by me as aforeſaid; which Sum, with my
"Wages at a Perch, amount in the Whole to
"the Sum of :"

Which Affidavit the Clerk of the Crown for the County where the ſame ſhall be made is hereby required to file, and keep amongſt the Records of the ſaid County.

Affidavit to be filed.

Provided always, and be it Enacted, That no Part of ſuch Watercourſe or other Work to be done by virtue of this Act, ſhall be made through the Deer Park of any Perſon, or through the Houſe, Offices, Gardens, or Orchards of Six Years Growth, of any Perſon who inhabits a Houſe built with Lime and Stones, or Bricks, unleſs the Conſent of ſuch Perſon be firſt obtained.

Works not to be carried through the Deer Park, &c. of any Perſon without their Conſent.

And be it Enacted by the Authority aforeſaid, That no Part of ſuch Watercourſe or other Work to be done by virtue of this Act, ſhall be made on or through the Ground of any Perſon againſt the Conſent of the Owner or Occupier, unleſs it ſhall firſt appear to the Grand Jury, and to the Judge of Aſſize, that Notice hath been given to the Treaſurer of ſuch County in Writing, and poſted upon the Door of the County Court Houſe by him, or ſome Perſon employed by him, Seven Days at leaſt previous to the Aſſizes aforeſaid, which Notice ſhall
5 ſet forth that Application is intended to be made to the Grand Jury of ſuch County for a Preſentment to make a new Watercourſe or other Work as aforeſaid, through the Lands of diſtinguiſhing each Townland, and the Barony or Half Barony through which the ſaid new Watercourſe or other Work is intended to be made; and alſo that another ſuch Notice hath been left with the Owner or Occupier of the Land through which ſuch new Watercourſe or other Work is intended to be made, or at the Houſe of ſuch Owner or Occupier, at leaſt Thirty-one Days previous to the Aſſizes aforeſaid, and that a Map of ſuch new Watercourſe or other Work hath been alſo left with the Treaſurer, in order that ſuch Map may be inſpected by any Perſon whom it may concern; and if the Owner or Occupier of any Part of the Land through which ſuch new Watercourſe or other Work is intended to be made, or any Freeholder of the County, ſhall think himſelf or herſelf aggrieved by ſuch Preſentment, ſuch Owner, Occupier, or Freeholder, may enter one or more Traverſe or Traverſes to ſuch Preſentment, which Traverſe or Traverſes ſhall be tried at the then preſent Aſſizes aforeſaid, unleſs good Cauſe ſhall be ſhewn to the contrary, in which Caſe the ſaid Traverſe or Traverſes ſhall be tried at the next Aſſizes; and the Jury to try the ſame ſhall aſſeſs fitting
6 Damages to the Owner or Occupier for the Loſs to be ſuſtained thereby,

Notice of Application for a Preſentment to be made to the Treaſurer of the County.

Diſtinguiſhing each Townland:

Notice alſo to the Owner and Occupier.

Owner, Occupier, or Freeholder, may traverſe.

Damages aſſeſſed by Jury, concluſive.

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thereby, which Verdict ſhall be concluſive to ſuch Owner or Occupier; and the Commiſſioner or Commiſſioners for ſuch new Watercourſe or other Work, may thereupon begin and finiſh the ſame without the Interruption of any Perſon; and that it ſhall be lawful for the Grand Jury of ſuch County, by Preſentment, to raiſe the Sum ſo aſſeſſed for Damages either on the City or Town where ſuch City or Town is ſituated within a Manor, or the Lands thereunto belonging.

Aſſeſſment for Damages to be raiſed on Barony, &c.

CLAUSE (A.) Directing that no Preſentment ſhall be confirmed by the Judge of Aſſize, without an Affidavit, Plan, and Eſtimate of Work.

And be it further Enacted, That no Preſentment for any new Work to be performed under this Act, ſhall be confirmed by the Judge of Aſſize, except it ſhall firſt appear that an Affidavit, Plan, and Eſtimate for ſuch Work had been laid before the Grand Jury of ſuch County at the laſt Aſſizes, and ſhall be certified by the Foreman of the Grand Jury, that the ſame had been laid before and read to ſuch Grand Jury.

CLAUSE (B.) That no Cut ſhall be made to communicate with any Navigation already made.

Provided always, and it is hereby Enacted and Declared, That nothing herein contained ſhall authorize or empower, or be conſtrued to authorize or empower any Grand Jury, or the ſaid Commiſſioners, or any Perſon or Perſons whomſoever, to lay out, order, or direct any Watercourſe, Cut, Drain, Ditch, Trench, Baſon, or Reſervoir, to be made from or to communicate with any Part whatſoever of any Canal or Inland Navigation authorized to be made by any Act of the Parliament of *Ireland*, or of the United Kingdom, or any Rivers, Rivulets, Streams, Watercourſes, Tunnels, Aqueducts, Trenches, Paſſages, Feeders, or Sluices communicating therewith, or belonging or appertaining thereto, or which may in any manner diminiſh or affect the Water or Sources, or Supply of Water flowing through or to any ſuch Canal or Inland Navigation; any thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Commiſſioners hereby appointed, veſted with like Powers as former Commiſſioners.

And be it further Enacted, That the Commiſſioners to be appointed in Manner aforeſaid, for the Purpoſes of this Act, ſhall have the like Powers, Controul, and Management, as are by the ſaid Two recited Acts veſted in the Commiſſioners thereby appointed.

Not to extend to Places where particular Acts are in force.

Provided always, and be it Enacted, That nothing herein contained ſhall extend to any City or Town Corporate, for the ſupplying of which with Water any Act of Parliament is now in force.

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(Ireland.)

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B I L L

[AS AMENDED]

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